

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

CYNTHIA KING,

Plaintiff,

Case No. 1:13-cv-397

v

HON. JANET T. NEFF

BORGESS LEE MEMORIAL  
HOSPITAL et al.,

Defendants.

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**OPINION AND ORDER**

Plaintiff Cynthia King initiated the present action against Defendants Borgess Lee Memorial Hospital and Season Marinich, alleging religious discrimination under state and federal law. Defendants filed a motion for summary judgment (Dkt 38), which was referred to the Magistrate Judge, who issued a Report and Recommendation (R & R), recommending that this Court grant Defendants' motion. The matter is presently before the Court on Plaintiff's objections to the Report and Recommendation (Dkt 56). Defendants have filed a response (Dkt 59). In accordance with 28 U.S.C. § 636(b)(1) and FED. R. CIV. P. 72(b)(3), the Court has performed de novo consideration of those portions of the Report and Recommendation to which objections have been made. The Court denies the objections and issues this Opinion and Order.

Plaintiff's objections fail to demonstrate any factual or legal error in the Magistrate Judge's analysis or conclusion, let alone identify any portions of the report and recommendation to which she objects. Instead, among numerous conclusory allegations of injustice, Plaintiff merely states that summary judgment is not appropriate, opining that "[i]t is obvious that [the Magistrate Judge] cannot

make that call, because he, nor anyone else, knows *what* materials we mean to **present** in an open due court”(emphases in original) (Dkt 56 at 3).

Plaintiff seemingly misunderstands the meaning of the phrase “material fact” in the summary judgment context. A fact is “material” for purposes of summary judgment “if proof of that fact would have the effect of establishing or refuting an essential element of the cause of action or a defense advanced by the parties.” *Westfield Ins. Co. v. Enterprise 522, LLC*, 34 F. Supp. 3d 737, 743 (E.D. Mich. 2014) (citing *Kendall v. Hoover Co.*, 751 F.2d 171, 174 (6th Cir. 1984)). Plaintiff has not identified any genuine issue of material fact, nor has she provided any other reason for this Court to reject the Magistrate Judge’s recommendation to grant Defendants summary judgment.

Accordingly, this Court adopts the Magistrate Judge’s Report and Recommendation as the Opinion of this Court. Further, as all claims are now resolved, a Judgment will be entered consistent with this Opinion and Order. *See* FED. R. CIV. P. 58. Because Plaintiff is proceeding *in forma pauperis*, this Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that an appeal of the Judgment would not be taken in good faith. *See McGore v. Wrigglesworth*, 114 F.3d 601, 610 (6th Cir. 1997), overruled on other grounds by *Jones v. Bock*, 549 U.S. 199, 206, 211-12 (2007).

Therefore:

**IT IS HEREBY ORDERED** that the Objections (Dkt 56) are DENIED and the Report and Recommendation (Dkt 55) is APPROVED and ADOPTED as the Opinion of the Court.

**IT IS FURTHER ORDERED** that Defendants’ Motion for Summary Judgment (Dkt 38) is GRANTED for the reasons stated in the Report and Recommendation.

**IT IS FURTHER ORDERED** that the Court certifies pursuant to 28 U.S.C. § 1915(a) that an appeal of the Judgment would not be taken in good faith.

Dated: February 26, 2015

/s/ Janet T. Neff

JANET T. NEFF

United States District Judge